MONTANA LEGISLATIVE HISTORY

Chapter 641 19 79

Bill H 365 S _____ Original bill & history ✓ C

H. Committee on Local Governmt			S. Committee on Local Governmt		
Hearing Date(s)	Feb 03	✓ C	Hearing Date(s)	Mar 12	✓ C
		C		Mar 21	✓ C
		C			C
		C			C
Date Out	Feb 03	✓ C		Mar 21	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

CHAPTER NO. 641

HOUSE BILL NO. 365

INTRODUCED BY KESSLER, FAGG, AZZARA, DOZIER, KEMMIS

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Local Government.
February 5, 1979	Committee recommend bill do pass as amended. Report adopted.
February 6, 1979	Printed and placed on members' desks.
February 7, 1979	Second reading, do pass.
February 8, 1979	Considered correctly engrossed.
February 9, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 10, 1979	Introduced and referred to Committee on Local Government.
March 22, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 24, 1979	Second reading, concurred in.
March 27, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 28, 1979	Returned from second house. Concurred in as amended.
March 31, 1979	Second reading, amendments rejected.
	On motion Joint Conference Committee requested.

April 2, 1979	Joint Conference Committee appointed.
April 12, 1979	Joint Conference Committee reported.
April 13, 1979	Second reading, adopted.
April 16, 1979	Third reading, adopted.
April 17, 1979	Second house, adopted.
April 18, 1979	Sent to enrolling.
	Reported correctly enrolled.

LC 1057/01

HOUSE BILL NO. 365

INTRODUCED BY Keenan - Fagg Azzara Dozier Kennedy

A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE ANNEXATION BY PETITION BY ELIMINATING THE ELECTION IN CERTAIN CIRCUMSTANCES; TO EXTEND THE PROCEEDING TO ALL MUNICIPALITIES; AND AMENDING SECTION 7-2-4609, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. When annexation election not needed. (1) The governing body of a municipality, upon receiving a written petition containing a description of territory requested to be annexed and signed by 50% or more of the resident freeholder electors of the territory to be annexed, need not submit the question of annexation to the qualified electors as provided in 7-2-4601. The governing body may approve or disapprove the petition upon its merits. When the governing body approves the petition, it shall pass a resolution providing for the annexation.

(2) The resolution must include:

(a) a statement that a petition has been filed with the governing body containing the signatures of 50% or more of the resident freeholder electors of the territory to be annexed;

(b) a description of the boundaries of the territory to be annexed; and

(c) a statement that the boundaries of the municipality are to be extended to include the territory described in the petition for annexation.

(3) The resolution shall be incorporated in the minutes of the governing body.

(4) Upon incorporation in the minutes, the resolution must be filed and becomes effective as provided in 7-2-4607.

Section 2. Section 7-2-4609, MCA, is amended to read:

"7-2-4609. Applicability of part. (1) This part ~~shall not be applicable to cities having a population, as shown by the last preceding federal census, of less than 20,000 and shall~~ does not repeal parts 43 and 45 having reference to extension of the corporate limits of cities of the first, second, and third classes to include contiguous land but is intended and does provide an alternative method for the annexation of territory or territories to municipal corporations.

(2) When any proceedings for annexation of territory or territories to any municipal corporation are commenced under this part, the provisions of this part and no other shall apply to such proceedings."

-End-

HB 365
INTRODUCED BILL

HB 388 (cont.)
Rep. Kemmis then gave closing remarks stating that Missoula was not the only city having this problem and that residents are asking the city fire departments for protection from hazards that are not within the city limits and this doesn't make sense. There is no tax base for the protection and this would give relief to the cities. There were then questions from committee members. Rep. Gould inquired as to whether this would force some industries to close down, or whether there could be some provision to require them to pay for the services used and fire protection. Other members inquired if it was felt the city would annex any property if it couldn't afford to keep up the services. Chairman Robbins then stated the committee could consider the proposed amendments and continue discussion in the executive session. Hearing was then closed on HB 388.

It was then requested that HB 381 and HB 423 be considered on the same day.

HOUSE BILL 365: Representative Kessler introduced the bill, stating that it would allow annexation when signed by more than 50% of the freeholders in an area and would eliminate the cost of election in these cases.

Chairman Robbins called for proponents. Art Korn of the Volunteer Firemen's Association stated they were in favor, Art Stanfield also voiced his support. Dan Mizner of the League of Cities stated this had been requested in many towns and they couldn't use the law because of the limit of 20,000 population and they were in support. Dean Holmes, Mayor of Miles City also stated they were in support. It was also supported by Eva Spaulding of the League of Women Voters. Don Stinger representing the country life group in Missoula spoke in favor, stating that having 51% or more would be fair. There were no opponents.

Rep. Moore then offered an amendment, changing line 13 to read "more than 50% and moved the amendment. All voted "aye" Same amendment was made on line 22 and all voted "aye". Hearing was then closed on HB 365.

HOUSE BILL 366: Representative Kessler introduced the bill relating to annexation of fire districts. He stated he had an amendment to page 2, sec. 4, lines 5 through 13, which would read that this portion be reinstated. It was moved by Rep. Kessler that this amendment be passed, vote was called and all voted "aye" on the amendment.

Rep. Kessler then further stated that page 1, section 1 would allow each annexation procedure to be set up independantly of one another, with no one type having precedence over the four types of annexation.

Chairman Robbins then called for proponents.

HB 366 (cont.)
Mr. Ellingson of Missoula stated he didn't feel the legislature knew what they were doing in 1973 on the planned community development act, in that it would supersede the other three types of annexation and this would be a remedy to that. He believed the planned community development act should not apply at all. He requested HB 366 be passed.

Eva Spaulding of the League of Women Voters stated that under their stand of promoting orderly growth they would like to support HB 366.

Ken Haag of Billings was in support and his statement is attached.

Mr. Thelen, City Manager of Helena stated that because of the amendment he didn't think the bill would do much good. He would like to see an amendment that says they can stay in a rural fire district as long as they want to serve, and then annexation could be done under other provisions.

Dan Mizner of the League of Cities stated the bill is needed, and if the fire district is the only problem, they should have their portion and the remainder of the bill pass.

Art Korn of the Mont. Volunteer Firemen's Assoc. stated he was interested in giving the residents a vote in whether or how they are annexed and was in favor.

Rep. Kessler then stated he thought the title also had to be amended, lines 5 and 6, striking "removing the restriction on annexation of fire districts", and on line 8 to strike the words "Sec. 7-2-4734". He then stated on page 1, there is no purpose for Sec. 2 and we should delete the entire Sec. 2, line 18, page 1, through line 13, on page 2. Rep. Moore stated this would cut the entire sec. 2 in the singular. Rep. Waldron then suggested just to reinsert the language and amend line 8. Rep. Moore inquired as to what the bill was now intended to do. Rep. Kessler stated it would allow separate laws in the book to operate separately and independently from one another. Rep. Moore then moved the amendment and amending the title. Vote was called and all voted "aye".

Hearing was then closed on HB 366.

The committee then went into Executive Session.
HOUSE BILL 365: It was moved by Rep. Waldron that HB 365 do pass as amended. Rep. Moore noted one more amendment on Line 13 and line 22, to read "more than 50%". Vote was called on the amendment and all voted "aye". It was then moved by Rep. Waldron that HB 365 do pass as amended, vote was called and all voted "aye" that HB 365 do pass as amended.

ford to buy much equipment. This will make it so the commissioners can go to $100,000.00 without going to the voters. Many counties lease the equipment they need, especially unused years like this with many snow removal problems.

There were no opponents to HB 801.

Representative Meyer made the closing remarks. He stated that this is a much needed bill in view of the past two winters.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

DISCUSSION OF HOUSE BILL 751: Representative Burt Hurwitz of District 45, sponsor of HB 751, gave a brief resume. This bill is an act to permit election or appointment of city judges in third class cities; removing the residence requirement for such office.

Dan Mizner, stood in support of the bill. Mr. Mizner stated that at present j.p.'s cannot serve in the place of city judges if they live outside of the city limits. This bill would correct the problem.

There were no opponents to the bill.

Chairman McCallum then opened the meeting to a question and answer period from the Committee. Discussion was held.

Senator Conover stated this would help his town.

Representative Hurwitz thanked the Committee for their time, and asked that they give this bill their utmost consideration.

CONSIDERATION OF HOUSE BILL 365: Representative Gerald Kessler of District 66, chief sponsor of HB 365, gave a brief resume. This bill is an act to streamline annexation by petition by eliminating the election in certain circumstances, to extend the proceeding to all municipalities. Representative Kessler stated that this act would streamline annexation processes. In order to annex a petition must be signed by 51% of the resident freeholders of the area to be annexed.

Dan Mizner, of the League of Cities and Towns, stood in support of the bill. He stated that many towns have done this already.

Eva Spaulding, of the League of Women Voters, stood in support of the bill.

Mr. R. E. Ellis, of the Montana Volunteer Fireman's Association, stood in support of the bill.

Art Korn and Dave Fischer, of the Montana State Volunteer

Fire Association, stated their support of the bill.

There were no opponents to the bill. Representative Kessler made the closing remarks. He stated that this bill would allow for orderly growth and that is very necessary.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

CONSIDERATION OF HOUSE BILL 366: Representative Gerald Kessler of District 66, chief sponsor of HB 366, gave a brief resume. This bill is an act to streamline the various methods of annexation; establishing that each annexation method is separate and distinct. Representative Kessler stated that there are five methods of annexation. This bill makes each of the procedures operate independently of one another. Some statutes are in conflict with one another. This would clear up the procedures.

Mae Nan Ellingson, representing the City of Missoula, stood in support of the bill. She stated that the Planned Community Development Act came about in 1974. Most of the annexed Missoula area is being done by the individual property owner on an individual basis. House Bill 366 would clarify and make each method of annexation separate and would make the rural fire district exclusion only applicable on the one method of annexation.

Dan Mizner, of the League of Cities and Towns, stated his support of the bill. He stated that House Bill 365 and 366 are both needed together.

Eva Spaulding, representing the League of Women Voters, stated her support of HB 366.

Dave Fischer and Art Korn, of the Montana State Volunteer Firemen's Association, both stood in support of the bill.

There were no opponents present.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

DISPOSITION OF HOUSE BILL 687: This bill is in regard to the county contribution for a veteran's gravestone from $20 to $30.

A motion was made by Senator Thomas that House Bill 687 "BE CONCURRED IN". Motion carried unanimously.

DISPOSITION OF HOUSE BILL 442: This bill is in regard to increasing the maximum salaries of district court reporters.

Senator O'Hara suggested that perhaps this bill could be amended instead of passing it out of Committee in the situation it is in right now.

Date Dec. 4

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN	✓		
MAX CONOVER	✓		
JESSE A. O'HARA	✓		
BOB PETERSON	✓		
A. T. (TOM) RASMUSSEN	✓		
PETE STORY			✓
BILL THOMAS	✓		
ROBERT D. WATT			✓

Each Day Attach to Minutes.

SENATE

SENATE _____ COMMITTEE

BILL HB-365
HB-366

VISITORS' REGISTER

DATE 3/17/

NAME	REPRESENTING	BILL #	(check on SUPPORT	O
ART KOPAL	MONT. ST. VOL. FIRE ASSOC.	HB 365 HB 366	✓ ✓	
[illegible]	[illegible]	HB 365 HB 366	– ✓	
[illegible]	MONT. VOL. [illegible]	HB 365 HB 365	✓	
LARRY GRAHL	City of BILLINGS	HB 365 366	✓	
[illegible]	HD 66	HB 365 366	–	
T.H. Ellis	Mont. Vol. Fire Assn	HB 365 366		

NAME: AL SAMPSON DATE: _____

ADDRESS: 828 Pattee

PHONE: 549 0131

REPRESENTING WHOM? C.A. of Missoula Fire Dept
& Mont State Fire Chiefs

APPEARING ON WHICH PROPOSAL: HB 365 - ~~SB~~

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: [illegible] DATE: [illegible]

ADDRESS: [illegible]

PHONE: [illegible]

REPRESENTING WHOM? [illegible]

APPEARING ON WHICH PROPOSAL: HB 345

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

E: Dean J. Hamford DATE: 2/12/03

RESS: 2501 Parkview Dr.

NE: 549-6172

PRESENTING WHOM? Planned Parenthood Alliance

PEARING ON WHICH PROPOSAL: HB 315 HB 315

YOU: SUPPORT? / AMEND? _____ OPPOSE? _____

MMENTS: _____

LEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Dan A Wagner DATE: 3-17-99

ADDRESS: Helena

PHONE: 442-8769

REPRESENTING WHOM? Heart Estates to Towns

APPEARING ON WHICH PROPOSAL: HB. 365-366

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

: _____ DATE: _____

ESS: _____

NE: _____

RESENTING WHOM? _____

EARING ON WHICH PROPOSAL: HB 365 + HB 366

YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

MENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Lori Parker DATE: 3/17/09

ADDRESS: 1908 A Washington St Butte Montana

PHONE: 791 5555

REPRESENTING WHOM? Montana Tax Payers Assn

APPEARING ON WHICH PROPOSAL: HB 365 HB 366

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

A motion was made by Senator Story to amend the bill with regards to city-county consolidation. (See attached Committee report #3.) Motion was carried with everyone voting "yes" except Senator Rasmussen who abstained and Senator Lockrem who voted "no".

A motion was made by Senator Watt that House Bill 851 BE CONCURRED IN, as amended.

Senator O'Hara asked if this bill was really needed. David Hunter, representing the City of Helena, stated that a number of local governments want to put their current form of governent up to a vote of the people and this bill would take care of the problem.

Senator McCallum stated that according to the constitution, every ten years it must be voted on for an alternate form of government. This would allow counties to initiate a change of government without waiting for the ten years.

Senator Watt stated he feels that it is good for the people to have a choice.

Senator Peterson stated he like the idea of having to wait for three years.

A vote was taken on Senator Watt's motion to concurr with the House on this bill. Motion carried.

DISPOSITION OF HOUSE BILL 365: This bill deals with annexation and elections.

A motion was made by Senator Thomas that House Bill 365 BE CONCURRED IN.

A motion was made by Senator Lockrem to amend the bill on page 1, lines 14 and 24, to change the "more than" to "or more". Motion carried.

A motion was made by Senator Watt that House Bill 365 BE CONCURRED IN, as amended. Motion carried. (See attachment.)

DISCUSSION ON HOUSE BILL 366: This bill is in regards to streamlining annexation methods.

There are four distinct procedures for annexation. This bill amends the Planned Coummunity Developement Act of 1974. Discussion was held regarding the problem facing Missoula concerning annexation.

A motion was made by Senator Watt that the bill BE CONCURRED IN.

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 21 House Bill No. 365 Time 1:10

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN		✓
LLOYD LOCKREM, VICE CHAIRMAN		✓
MAX CONOVER	✓	
JESSE A. O'HARA	✓	
BOB PETERSON	As Chairman	
A. T. (TOM) RASMUSSEN	✓	
PETE STORY	✓	
BILL THOMAS		
ROBERT D. WATT	✓	

Secretary

Chairman

Motion: A motion was made by Senator Watt that House Bill 365 BE CONCURRED IN, as amended. Motion carried.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 21 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 365

Kessler (Watt)

Respectfully report as follows: That House Bill No. 365,

third reading bill, be amended as follows:

1. Page 1, line 14.
Strike: "MORE THAN"

2. Page 1, line 15.
Following: "50%"
Insert: "or more"

3. Page 1, line 24.
Strike: "MORE THAN"

4. Page 1, line 25.
Following: "50%"
Insert: "or more"

~~DO PASS~~ And, as so amended, BE CONCURRED IN

GA

George McCallum Chairman

HOUSE BILL NO. 365

INTRODUCED BY KESSLER, FAGG, AZZARA, DOZIER, KEMMIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE ANNEXATION BY PETITION BY ELIMINATING THE ELECTION IN CERTAIN CIRCUMSTANCES; TO EXTEND THE PROCEEDING TO ALL MUNICIPALITIES; AND AMENDING SECTION 7-2-4609, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. When annexation election not needed. (1) The governing body of a municipality, upon receiving a written petition containing a description of territory requested to be annexed and signed by ~~MORE--THAN~~ MORE THAN 50% ~~or--more~~ ~~OR-MORE~~ of the resident freeholder electors of the territory to be annexed, need not submit the question of annexation to the qualified electors as provided in 7-2-4601. The governing body may approve or disapprove the petition upon its merits. When the governing body approves the petition, it shall pass a resolution providing for the annexation.

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(2) When any proceedings for annexation of territory or territories to any municipal corporation are commenced under this part, the provisions of this part and no other shall apply to such proceedings."

-End-

REFERENCE BILL: INCLUDES JOINT CONFERENCE COMMITTEE REPORT. DATED 4/11/99

HB 0365/04